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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,915	03/30/2001	Takashi Sumada	0505-0798P	3432

2292 7590 10/02/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 10/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,915

Applicant(s)

SUMADA ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

The application of Takashi Surnada filed March 30, 2001 for Saddle Type Vehicle Having a Remote Control Types Trunk has been examined. Claims 1-18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morinaka et al. U.S Patent 5025883 in view of Clare et al. U.S Patent 6030018.

Regarding claim 1, Morinaka et al. teaches a trunk assembly for a saddle type vehicle having a locking mechanism for securing the saddlebag (col. 4 lines 6-7). Morinaka et al. is however silent on teaching the trunk assembly is remote controlled and having a radio signal receiving unit. Clare et al. in an art related invention in the same field of endeavor of vehicle storage compartment teaches a saddle bag assembly (col. 16 lines 16-17) and further teaches the saddle bag assembly having an electronic lock which is key or keyless (col. 10 lines 49-50, col. 10 lines 56-57) and the lock is remotely controlled (col. 12 lines 29-30).

It would have been obvious to one of ordinary skill in the art to have a remote control trunk for a saddle type vehicle and the trunk having a remote signal receiving unit in Morinaka et al. as evidenced by Clare et al. because Morinaka et al. teaches a trunk assembly for a saddle type vehicle having a latch assembly and Clare et al. teaches a saddle bag assembly having a

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remote control and the radio signal receiving unit is inherently included in a remote control saddle bag.

Regarding claim 2, Morinaka et al. in an art related Motorcycle with trunk invention teaches a motor vehicle having a rear trunks and a pair of side trunks (col. 1 lines 48-50).

Regarding claim 3, Morinaka et al. teaches an opening/closing lever (shaft) provided in the central trunk (col. 5 line 60-col. 6 line 6). The central trunk (24) as disclosed by Morinka et al. is in the same position as the rear trunk (20C) as disclosed by the applicant, therefore the opening/closing lever as taught by Morinaka et al. evidenced the location of the lever in the rear trunk.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morinaka et al. U.S Patent 5025883 in view of Clare et al. U.S Patent 6030018 and further in view of Hesker U.S Patent 6351242.

Regarding claims 4-5, Morinaka et al. in view of Clare et al. teaches a radio receiving trunk as discuss in the response to claim 1 above but is however silent on teaching a radio receiving trunk mountable on a rear portion of a vehicle body. Hesker in an art related vehicle remote invention teaches mounting a radio receiving unit in a trunk lid or shaped adaptation for accumulating the radio receiver unit (col. 4 lines 29-32) in order to protect the receiver from damage.

It would have been obvious to one of ordinary skill in the art to mount the radio receiving assembly in a rear position of the vehicle body and the radio receiving trunk assembly having a

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projection formed on top of the rear trunk in Morinaka et al. in view of Clare et al. as evidenced by Hesker because Morinaka et al. in view of Clare et al. suggests a radio receiving trunk mounted in the rear of the vehicle and Hesker teaches mounting a radio receiving unit in a trunk lid or shaped adaptation for accumulating the radio receiver unit in order to protect the receiver from damage.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morinaka et al. U.S Patent 5025883 in view of Clare et al. U.S Patent 6030018 in view of Yamaura et al. U.S Patent 6292107 and further in view of Kusunoki U.S Patent 5763957.

Regarding claims 6 -7, Morinaka et al. in view of Clare et al. teaches a radio receiving trunk as discuss in the response to claim 1 above but is however silent on teaching a switch for detecting the trunk lid is open or closed and outputting the result to the radio signal receiving unit and a trunk catcher to pop up the lid simultaneously with unlocking the lid. Yamaura et al. in an art related Keyless entry system teaches the locking and locking of a trunk by a lock mechanism (col. 10 lines 20-26) and a trunk catcher (44) to pop up the trunk (col. 10 lines 25-26). A switch for detecting whether a trunk lid is open or closed is commonly used is motor vehicles as evidenced by Kusunoki (col. 3 lines 47-57).

It would have been obvious to one of ordinary skill in the art to have a switch for detecting the trunk lid is open or closed and outputting the result to the radio signal receiving unit and a trunk catcher to pop up the lid simultaneously with unlocking the lid in Morinaka et al. in view of Clare et al. as evidenced by Yamaura et al. in view of Kusunoki because Morinaka et al. in view of Clare et al. suggests a radio receiving trunk and Yamaura et al. teaches the locking

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and locking of a trunk by a lock mechanism and a trunk catcher to pop up the trunk and a switch for detecting whether a trunk lid is open or closed is commonly used in motor vehicles as evidenced by Kusunoki.

Claims 8-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki U.S. Patent 5763957 in view of Heskler U.S. Patent 6351242.

Regarding claim 8, Kusunoki teaches a remote controller for a remote control trunk assembly (figure 1), the trunk assembly including at least one lid, an opening/closing mechanism for permitting and rejecting the opening and closing of each of the lid (col. 3 lines 25-32), a radio signal receiving unit (6A) which receives a radio signal for remotely operating the opening/closing mechanism (col. 3 lines 24-25), a locking/unlocking button for locking/unlocking the trunk (col. 3 lines 47-57) and a pop-up button (5) for unlocking and popping-up the trunk (col. 4 line 1). Kusunoki is however silent on teaching the radio receiving unit is disposed on top of the trunk. Heskler in an art related vehicle remote invention teaches mounting a radio receiving unit in a trunk lid or shaped adaptation for accumulating the radio receiver unit (col. 4 lines 29-32) in order to protect the receiver from damage.

It would have been obvious to one of ordinary skill in the art to dispose the radio receiving unit on top of the trunk in Kusunoki as evidenced by Heskler because Kusunoki suggests a remote controller for controlling a trunk assembly and Heskler teaches a radio receiving unit in a trunk lid or shaped adaptation for accumulating the radio receiver unit and top of the trunk represent a convenient location for disposing the radio receiver.

Regarding claim 9, Kusunoki teaches transmitting a radio signal to the receiving unit (col. 3 lines 12-21) and a switch (5) to control the actuator.

Regarding claims 10-11, Kusumoki teaches method for controlling a remote control trunk, comprising the steps of: providing a radio signal transmitted from a remote controller; determining if the radio signal is an unlocking signal; determining if at least one lid of at least one trunk is open and determining if the radio signal is a locking signal (col. 3 lines 13-22) but is silent on teaching determining if the radio signal is a pop up signal. One skilled in the art recognizes that the signal for unlocking the trunk also pop open the trunk therefore the unlocking signal represents a pop up signal.

It would have been obvious to one of ordinary skill in the art to determine if the radio signal is a pop up signal in Kusumoki in view of Hesker because Kusumoki in view of Hesker suggests determining if the radio signal is an unlocking signal and one skilled in the art recognizes that the signal for unlocking the trunk also pop open the trunk therefore the unlocking signal represents a pop up signal.

Regarding claim 12, Kusumoki teaches a switch for detecting if the trunk is open and the switch is installed in the trunk (col. 3 lines 53-57).

Regarding claim 13, Kusumoki teaches detecting if the trunk has been opened for a predetermined time (step 825 in the flow chart of figure 8C).

Regarding claims 15-16, Kusumoki teaches a pop-up (unlock) command to cause the lock mechanism to unlock (col. 3 lines 16-17).

Regarding claim 17, Kusumoki teaches determining the locking command (col. 3 lines 26-32).

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusumoki U.S Patent 5763957 in view of in view of Hesker U.S Patent 6351242 and further in view of Tanable U.S Patent 4788542.

Regarding claim 14, Kusumoki in view of Hesker teaches detecting if the trunk has been opened for a predetermined time (step 825 in the flow chart of figure 8C) but is silent on teaching locking the trunks automatically if the predetermined time exceeds the time during which the trunk is opened. Tanale in an art related invention in the same field of endeavor of remote controlled vehicle locks teaches locking the trunks automatically if the predetermined time exceeds the time during which the trunk is opened (col. 7 lines 31-36) in order to prevent trunk from been unintentionally left in the unlock state.

It would have been obvious to one of ordinary skill in the art to lock the trunks automatically if the predetermined time exceeds the time during which the trunk is opened in Kusumoki in view of Hesker as evidenced by Tanable because Kusumoki in view of Hesker suggests detecting if the trunk has been opened for a predetermined time and Tanable teaches locking the trunks automatically if the predetermined time exceeds the time during which the trunk is opened in order to prevent trunk from been unintentionally left in the unlock state.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusumoki U.S Patent 5763957 in view of in view of Hesker U.S Patent 6351242 and further in view of Sonders U.S Patent 5307048.

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Regarding claim 18, Kusumoki teaches providing an alarm for indicating the trunk is open (col. 3 lines 41-43) but is silent on teaching turning on the hazard light to indicate the trunk is open. One skilled in the art recognizes that a vehicle hazard light is conventionally used for providing an alarm signal as evidenced by Sonders (col. 5 lines 31-35).

It would have been obvious to one of ordinary skill in the art to turn on the hazard light to indicate the trunk is open in Kusumoki in view of Hesker as evidenced by Sonders because Kusumoki in view of Hesker suggests providing an alarm for indicating the trunk is open and one skilled recognizes that a vehicle hazard light is conventionally used for providing an alarm signal as evidenced by Sonders.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

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Vernal Brown
September 16, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

